

PART-K

[86]In exercise of powers conferred by sub-section (1) of Section 28 read with Section 2(e)(iii) of the Right to Information Act, 2005 (22 of 2005), the Chief Justice of Punjab and Haryana hereby makes the following rules, namely:-

1. Short title and commencement:

- (i) These rules shall be called the “High Court of Punjab and Haryana (Right to Information) Rules, 2007”.
- (ii) These rules shall come into force from the date of their publication in the Official Gazette.
- (iii) These rules shall be applicable to the High Court of Punjab and Haryana at Chandigarh.

2. Definitions:

- (i) In these rules, unless the context otherwise requires:
 - (a) ‘Act’ means the Right to Information Act, 2005 (22 of 2005);
 - (b) ‘Appendix’ means the appendix appended to these rules;
 - (c) ‘Authorized Person’ means Public Information Officer and Assistant Public Information Officer designated as such by the Chief Justice of the High Court;
 - (d) ‘Appellate Authority’ means designated as such by the Chief Justice of the High Court;
 - (e) ‘Form’ means a form appended to these rules;
 - (f) ‘High Court’ means the High Court of Punjab and Haryana;
 - (g) ‘Section’ means the section of the Act;
- (ii) Words and expressions used but not defined in these Rules, shall have the same meanings assigned to them in the Act.

3. Application for seeking information:

Any person seeking information under the Act shall make an application in Form ‘A’ to the authorized person, in between 11.00 A.M. to 1.00 P.M., on a Court working day and shall deposit application fee as per Rule 7 by paying fee by way of adhesive court fee stamps or demand drafts/ banker’s cheque/ Indian postal orders in favour of Registrar , Punjab and Haryana High Court, Chandigarh or in any other form so determined by the competent authority from time to time:

Provided that a person, who makes a request through electronic form, shall ensure that the requisite fee is deposited with the authorized person, in the manner mentioned above, within seven days of his sending the request through electronic form, failing which, the application shall be treated as dismissed:

Provided further that the date of application shall be deemed to be the date of deposit of the entire fee or the balance fee or deficit amount of the fee to the authorized person.

4. Exemption from disclosure of information:

1. The Information which relates to judicial functions and duties of the Court and matter incidental and ancillary thereto shall not be disclosed in terms of Section 8(1)(b) of the Act.

Provided that the question as to which information relates to judicial functions, duties of Court and matters incidental and ancillary or of confidentiality shall be decided by the Competent Authority or his delegate, whose decision shall be final.

2. Any information affecting the confidentiality of any examination/selection process conducted by the Punjab and Haryana High Court for any or all categories of posts including that for Punjab/Haryana Civil Services (Judicial Branch) and Punjab/Haryana Superior Judicial Services.

Provided that the marks obtained by the candidates in each subject shall be displayed on the website of the Court after the conclusion of the selection process or at any early date, if decided to be disclosed not affecting the confidentiality and transparency of selection process.

5. Deleted.

6. Disposal of application by the authorized person:

(i) If the requested information does not fall within the jurisdiction of the authorized person, he shall order return of the application to the applicant in Form 'C' as expeditiously as possible in any case within 30 days from the date of receipt of the application, advising the applicant, wherever possible, about the authority concerned to whom the application should be made. The application fee deposited in such cases shall not be refunded.

(ii) If the requested information falls within the authorized person's jurisdiction and also in one or more of the categories of restrictions listed in Sections 8 and 9 of the Act and Rule 5 above and exemptions detailed in Rule 4 above, the authorized person, on being satisfied, will issue the rejection order in Form 'D' as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of the application.

(iii) If the requested information falls within the authorized person's jurisdiction, but not in one or more of the categories listed in Sections 8 and 9 of the Act and Rules 4 and 5 above, the authorized person, on being so satisfied, shall supply the information to the applicant in Form 'E', falling within its jurisdiction. In case the information sought is partly outside the jurisdiction of the authorized

person or partly falls in the categories listed in Sections 8 and 9 of the Act, the authorized person shall supply only such information as is permissible under the Act and is within its own jurisdiction and reject the remaining part giving reasons thereof.

- (iv) The information shall be supplied as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of the application on deposit of the balance amount, if any, to the authorized person, before collection of the information. A proper acknowledgement shall be obtained from the applicant in token of receipt of information
- (v) Deleted.

7. Charging of Fee:

(i) The application fee: A minimum of Rupees fifty shall be charged as application fee.

(i-A) The authorized person shall charge the fee for supply of information at the following rates:

| Sr. No. | Description of information | Price/fees in rupees |
|---------|--|---|
| (A) | Where the information is available in the form of a priced publication | On printed price. |
| (B) | For other than priced publication | Rupees ten per page and rupees twenty in case the information is required under section 7 of the Act with minimum of Rs. Fifty per application. |
| (C) | Where information is available in electronic form and is to be supplied in electronics form e.g. Floppy, CD etc. | Rupees one hundred per floppy and Rupees two hundred per CD. |
| (D) | Information relating to tenders documents/bids/quotation/ Business contract | Rupees Five hundred per application. |

- (ii) The fee for inspection of documents or record shall be Rs. 10/- per fifteen minutes or a fraction thereof and Rs. 20 per 15 minutes in case the information is required under section 7 of the Act, for the inspection of record/document.
- (iii) The fees given above may be varied/enhanced by the competent authority from time to time.
- (iv) Every page of information to be supplied shall be duly authenticated and shall bear the seal of the officer concerned supplying the information.
- (v) During inspection the applicant shall not be allowed to take the photograph of the record/document. The applicant shall not cause any hindrance to the Office work and shall cooperate with the staff and complete the inspection as soon as possible. The Public Information Officer concerned shall have the right to fix the time and date of the inspection according to administrative convenience and his/her decision shall be final.
- (vi) A fee of Rupees One hundred per appeal on form 'F' shall be paid by way of adhesive court fee stamps or demand drafts/ banker's cheque/ Indian postal orders in favour of Registrar , Punjab and Haryana High Court, Chandigarh or in any other form so determined by the competent authority from time to time.

8. Appeal:

- (i) Any person-
 - (a) who fails to get a response in Form C or Form D from the authorized person within thirty days of submission of Form A, or
 - (b) is aggrieved by the response received within the prescribed period, appeal in Form 'F' to the Appellate Authority and affix fee for appeal as per rule 7.
- (ii) On receipt of the appeal, the Appellate Authority shall acknowledge the receipt of appeal and after giving the applicant an opportunity of being heard, shall endeavour to dispose it of within thirty days

from the date, on which it is presented and send a copy of the decision to the authorized person concerned.

- (iii) In case the appeal is allowed, the information shall be supplied to the applicant by the authorized person within such period as may be ordered by the Appellate Authority. This period shall not exceed thirty days from the date of the receipt of the order.

9. Penalties :

- (i) Whoever being bound to supply information fails to furnish the information asked for, under the Act, within the time specified or fails to communicate the rejection order, shall be liable to pay a penalty up to fifty rupees per day for the delayed period beyond thirty days subject to a maximum of five hundred rupees per application, filed under rule 3 as may be determined by the appellate authority.
- (ii) Where the information supplied is found to be false in any material particular and which the person is bound to supply it knows and has reason to believe it to be false or does not believe it to be true, the person supplying the information shall be liable to pay a penalty of one thousand rupees, to be imposed by the appellate authority.

10. *Suo motu* publication of Information by public authorities:

- (i) The public authority shall *suo motu* publish information as per sub-section (1) of Section 4 of the Act by publishing booklets and / or folders and / or pamphlets and update these publications every year as required by sub-section (1) of Section 4 of the Act.
- (ii) Such information shall also be made available to the public through information counters, medium of internet and display on notice board at conspicuous places in the office of the Authorized Person and the Appellate Authority.

11. Maintenance of Records:

- (i) The authorized person shall maintain records of all applications received for supply of information and fee charged.
- (ii) The appellate authority shall maintain records of all appeals filed before it and fee charged.

FORM A
Form of application for seeking information
(See rule 3)

I.D. No.....
(For official use)

To
The authorized person
.....

- 1. Name of the applicant
- 2. Address
- 3. Particulars of the information sought
 - (a) Concerned department: High Court
 - (b) Period for which information is sought
 - (c) Other details, if any
- 4. A Court fee of Rs.....has been affixed on the application

| | |
|--------|-----------------------------|
| Place: | Signature of the Applicant |
| Date: | E-mail address, if any..... |
| | Telephone No.(Office)..... |
| | (Residence)..... |

Note:
(i) Please ensure that the Form A is complete in all respect and there is no ambiguity in providing the details of information required.

FORM B
Acknowledgement of Application in Form A

I.D. No.

Dated

1. Received an application in Form A from Mr./Ms. resident of under Section.....of the Right to Information Act, 2005.
2. The information is proposed to be given normally within fifteen days and in case within thirty days from the date of receipt of application and in case it is found that the information asked for cannot be supplied, the rejection letter shall be issued stating reason thereof.
3. The applicant is advised to contact the undersigned on.....between 11.00 A.M. to 1.00 P.M.
4. In case the applicant fails to turn up on the scheduled date(s), the undersigned shall not be responsible for delay. if any.
1. The applicant shall have to deposit the balance fee, if any, before collection of information.
2. The applicant may also consult Web-site of the department from time to time to ascertain the status of his application.

Signature & Stamp of the Authorised Person

E-mail

Web-site

Telephone No.

Dated

FORM C
Outside the Jurisdiction of the authorized person
[rule 6(i)]

No Dated
From
.....
.....
To
.....
.....

Sir/Madam.

Please refer to your application, I.D. No.....
dated..... addressed to the undersigned regarding supply
of information on.....

2. The requested information does not fall within the
jurisdiction of the undersigned and, therefore, your
application is being returned herewith.

3. You are requested to apply to the concerned authorized
person...

Yours faithfully,
Authorised Person
E-mail address
Web-site
Telephone No.

FORM D
Rejection Order
[rule 6(ii)]

No.....

Dated.....

From

.....
.....

To

.....
.....

Sir/Madam,

Please refer to your application I.D. No.....
date.....addressed to the undersigned regarding
supply of information on.....

2. The information asked for cannot be supplied due to
following reasons:-

- (i)
- (i)

3. As per Section 19 of the Right to Information Act,
2005, you may file an appeal to the Appellate Authority
within thirty days of the issue of this order.

Yours faithfully,
Authorised Person
E-mail address
Web-site
Telephone No.

FORM E

Form of Supply of information to the applicant
[rule 6(iii)]

No.....
From

Dated.....

.....
.....

To
.....
.....

Sir/Madam,

Please refer to your application, I. D. No.....
dated.....addressed to the undersigned regarding supply
of information on.....

or

2. The information asked for is enclosed for reference.*

The following partly information is being enclosed.*

(i)

(ii)

The remaining information about the other aspects cannot
be supplied due to the following reasons:-

(i)

(ii)

(iii)

3. The requested information does not fall within the jurisdiction
of the undersigned.*

4. As per Section 19 of the Right to Information Act, 2005, you
may file an appeal to the Appellate Authority within thirty days
of the issue of this order.*.

Yours faithfully,

Authorised Person

E-mail address

Web-site

Telephone No.

*Strike out if not applicable.

FORM F
Appeal under Section 19 of the Right to Information Act, 2005
[rule 8(i)]

I.D. No.....

(For official use)

To

Appellate Authority

Address :

1. Name of the Applicant
2. Address
3. Particulars of the authorized person
 - (a) Name
 - (b) Address
4. Date of submission of application in Form A
- 5 Date on which 30 days from submission of Form A is over
6. Reasons for appeal
 - (a) No response received in Form B or C within thirty days of submission of Form A[8(i)(a)].
 - (b) Aggrieved by the response received within prescribed period [8(i)(b)] [copy of the reply received be attached].
 - (c) Grounds for appeal.
7. Last date for filing the appeal. *[See Rule 8(iii)]*
7. Particulars of information :---
 - (i) Information requested
 - (ii) Subject
 - (iii) Period
7. A court fee of Rs. 100/- for appeal has been affixed.

Place

Date

Signature of Appellant

E-mail address, if any:

Telephone No. (Office)

(Residence)

Acknowledgement

I.D. No..... Dated
Received an Appeal application from Shri/Ms.....
resident ofunder Section 19 of the Right to
Information Act, 2005.

Signature of Receipt Clerk.
Appellate Authority
Telephone No.
E-mail address, Web-site

By order of Hon’ble the Chief Justice and Judges.

(Sd.)..

Registrar General.]